

APPROVED: Meeting No. 47-95

ATTEST: *Paula J. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 44-95

October 9, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 9, 1995, at 7:40 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The Redgate Golf Course was selected to host the 1996 Local Qualifying Rounds for the U.S. Open Championships. Golfers will have an opportunity to compete in the Sectional and then in the U.S. Open. Rockville is the only public course involved in qualifying rounds for the championship.

2. The excellence in standards such as those set at our municipal golf course are reflected in Rockville's being named as a National Fitness City by the National Recreation and Parks Association. Mr. Kuckkahn displayed the award which recognizes cities that comprehensively address community health needs. Rockville was cited for its

outstanding senior citizens programs, the extensive participation of residents of all ages in sports programs, fitness classes at the swim center and golf course, and programs such as the Civic Ballet. Also recognized were the City's collaborative efforts with organizations such as the Chamber of Commerce, Montgomery Road Runners Club, Rotary, Kiwanis and other service clubs. In addition, the City's Employee Wellness Program received special recognition. Rockville was the only City in the United States to receive this award which was presented to Director of Recreation and Parks Burt Hall at the National Conference in San Antonio, Texas. Mr. Kuckkahn thanked the Mayor and Council for their support of these award winning programs.

3. On October 5, members of Rockville's boards and commissions met with the Helios/Towle Group for an introduction to the development proposal on the King Farm. The concepts presented were well received and it is believed that the developers interest in involving the community will ensure that the project will be of the highest quality in accordance with the Mayor and Council's policies and prescribed in the Annexation Agreement. The developer is planning to continue work with the boards and commissions and affected neighborhood associations and there will be numerous opportunities for citizens to speak on the issues involved.

4. Rockville's Police Department participated in the 1995 Governor's Crime Prevention Awards Program, and was selected in two categories: the Governors Award for Overall Crime Prevention Programs (the City was one of 18 agencies honored for this).

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The second award was The Governor's Crime Prevention Award for Outstanding Proactive Crime Prevention Programs. The City recently received a grant from the State to further efforts in these areas. An awards ceremony is planned for November 21st in Annapolis.

5. The Antique and Classic Car Show is scheduled for October 14 at 10 a.m. at Glenview Mansion.

6. Mr. Kuckkahn reported that Assistant City Manager Cheryl Lampkin-Thomas was resigning after seven years with the City, to accept the position as Assistant Chief Administrative Officer for Montgomery County. Mr. Kuckkahn said that Ms. Lampkin-Thomas's approach to citizen orientation, her pleasant personality and unselfish professional approach will be sorely missed and he wished her the best of luck with Montgomery County.

Councilmember Krasnow noted that Ms. Lampkin Thomas had been an outstanding addition to the City staff over the last seven years, and she had single-handedly made the City's compliance with the American With Disabilities Act one of the premier examples throughout the Country. Councilmember Dorsey echoed Ms. Krasnow's comments; he noted that at many ADA activities he attended, he often heard Ms. Lampkin-Thomas' name and comments about the City's well known work with the ADA.

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Re: Presentation of Proclamation
declaring October 15-21, 1995 as
**ROCKVILLE CHARACTER
COUNTS WEEK.**

Proclamation No. 18-95

By a unanimous vote of the Mayor and Council, October 15-21, 1995 was declared "**ROCKVILLE CHARACTER COUNTS WEEK**" in Rockville. Upon the request of the Mayor, Councilmember Krasnow read the Proclamation, the full text of which can be found in the Proclamation File of the Mayor and Council. The Proclamation was presented to the following representatives from the Rockville Mentoring Program: Chester Thompson, Bill Mohan, Willie Mae Carey, Tina Paige, Ardell Shirley Hillard, and Patricia Dubroof. The Youth Participants in various character building programs in the Youth, Family, and Community Services Division were: James Nelson, Denisa Russell, George Jones, Lance Evans, Bryant Collins, Tim Collins, Amelia Evans, Barry Talley, Bonita Campbell, Sheryl Doye, Aaron Ware, Katisha Henson, Adrian Kadir, and Sherif Kadir. Charles Wilkinson, Supervisor of the City's Youth, Family and Community Services was also introduced who provided a brief overview of departmental programs that address the goals of Character Counts.

Re: Recognition of students from
The Other Way Day Treatment
Program

The students recognized for their involvement in the construction of a retaining wall at the Welcome to Rockville sign on Veirs Mill Road were: Ian

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Goldschmitt, T.J. Jones, Sean Lafferty, Jim Martin, and Max Sanchez. The students, under the direction of Recreation and Park Board Member Dirk Schenck and City Horticulturist Rob Orndorff, worked twice a week for a month in July, providing a total of 160 person-hours which resulted in an attractive wall and planting area that enhances the sign.

Re: Recognition of students from the Theodor-Heuss-Schule who are participating in the annual Sister City student exchange

Certificates were presented to twelve students from Pinneberg's Theodor-Heuss-Schule who completed a three week visit to Rockville as part of the annual Sister City student exchange program. The students, accompanied by their teacher, Claus Gilliard, are being hosted by families of students attending Wootton High School. Also recognized were representatives of the Pinneberg Sister City organizations visiting Rockville from the Pinneberg German-American Friendship Organization. The organization is headed by President Herr Carl-Ulrich Bremer, and the delegates are staying with the Rockville Sister City Corporation members.

Re: Presentation of appreciation plaques to the Gold sponsors of the Rockville Rotary Twilight Runfest.

The Mayor and Council, assisted by Jim Pugh and Joe Lynott
(representatives of the Rockville Rotary Club) and Race Director Denny Steinauer

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(representative of the Montgomery County Road Runners Club), recognized the following Gold (major) sponsors: Home Depot, Kimmel Properties, G.E. Information Services, Rockville Mailing Services, Inc., Barnett Data Services, Cable TV Montgomery, Rockville Printing and Graphics, U.S. Health Care, Racquet and Jog, Bruegger's Bagels, Rentals Unlimited, Gatorade, Rockville Gazette, Shady Grove Adventist Hospital, and Congressional Motors.

A special presentation of a "Twilighter Towel" was presented to Danny Steinauer for his 10 years of leadership and hard work as the Race Director for the Rotary Runfest.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Bob Wright, 209 Watts Branch Parkway informed the residents of Rockville of a public hearing being held by the Montgomery County Council on October 19 on the issue of a site for the Detention Center. He pointed out that there would be four speakers for each of the six sites picked for discussion by the County. He asked if the City was signed up to speak. Mr. Wright said it was important that residents of Rockville attend the public hearing to show their support for the City's position which is to oppose to expansion of the Detention Center on Seven Locks Road.

Councilmember Marrinan added that any alternate site that might be chosen other than Clarksburg will delay the issue from being resolved in a timely manner because

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the current Detention was overcrowded and an aged facility, and the sooner the County made a decision, the better, as it would take five years from the time of a decision, before a new detention center is open. Mr. Marrinan also noted that on October 10, the Montgomery County Civic Federation was holding a session on the issue, and he encouraged interested residents to attend this as well.

Mr. Kuckkahn remarked that the City was signed up and would be making a presentation at the public hearing.

2. Leah Barnett, 19 Orchard Way North also encouraged as many Rockville residents as possible to attend the public hearing. She said she was on a waiting list signed up to speak.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Lynn Perry Parker was appointed to serve on the Human Rights Commission.

Re: Approval of Minutes

Upon motion duly made, seconded and unanimously passed, the Minutes of Meeting No. 32-95 (June 12, 1995) were approved as written.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, with Councilmember Weisbroth abstaining as she was absent on Maternity Leave, the Minutes of Meeting No. 33-95 (June 26, 1995) were approved as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously

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passed, with Councilmember Weisbroth abstaining as she was absent on Maternity Leave, the Minutes of Meeting No. 36-95 (July 10, 1995) were approved as written.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, with Councilmember Weisbroth abstaining as she was absent on Maternity Leave, the Minutes of Meeting No. 37-95 (July 17, 1995) were approved as amended.

Re: Consent Agenda

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda Item was approved:

Award of Contract

To: Consolidated Computer Investors, Inc.
Of: Hanover, Maryland
In the amount of: \$25,712

For: Computer equipment and software per the terms and conditions of Montgomery County Contract No.1 13572.

Re: Adoption of Ordinance to Grant
Map Amendment Application
MAP95-0062, Montgomery
County Government, Applicant.

For a zoning change from RE
Residential Estate to R-75, One-
Family Detached, Residential for
a 4.15 acre property at the end
of Curtis Place, just north of
Wootton Parkway.

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Ordinance No. 20-95

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance to Grant Map Amendment Application MAP95-0062, Montgomery County Government, Applicant was approved. A copy of the full text of the Ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Discussion and Instructions to
Staff Re: Text Amendment
Application TXt95-0146, Rock
Creek Associates B, et al., c/o
Miller, Miller & Canby,
Applicant.

To amend the Zoning Ordinance
to create a new Office/Research
and Development Zone (I-5).

Chief of Planning Lisa Rother said the applicant requested several changes to the ordinance as it was introduced and noted that some of the issues were not resolved at that time. The ordinance would also be sent back to the Planning Commission for further recommendations as they have not seen some of the additions. Ms. Rother said that the applicant requested additional development standards for restaurants in the new zone to ensure that the use would be compatible with the office and research development uses; the addition of a warehousing and storage use, and the addition of outdoor recreational establishments.

The Mayor and Council discussed and decided the following issues:

- Councilmember Weisbroth asked if there was any architectural control and asked if there was some way for the City to control architectural treatments outside of an informal process.
- Councilmember Krasnow commented that the phrase "warehousing and storage of goods and materials that are restricted to distribution facilities or are ancillary to a principal use permitted in a zone seemed to be broad in terms of the use being restricted to distribution facilities. She asked what a distribution facility was; how large one could be, and whether it could include hazardous materials. She suggested that the word "or" be substituted with the word "and" to clarify that the use could, but did not have to be ancillary.
- What was staff's position on whether the office supply category would be a permitted use. An earlier memo pointed out that staff felt the use would only be allowed by special exception in the I-3 Zone and by right in the I-4 Zone. Ms. Rother said staff's position was that such a use would not be appropriate without some limitation. Ms. Krasnow said she agreed with staff to build in some limitations on this use.
- Regarding printing and lithography as a permitted use, Ms. Krasnow said that this zone was supposed to be compatible with residential development. She noted that the City had had experiences in the past with printing plants not being compatible with residential areas. She said she could see where an in-house, small print shop type of

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businesses could be allowed, however she was worried about the duplicating services uses and the more industrial type of uses, such as newspaper and magazine publishing and printing. Ms. Rother said that duplicating services covered types of uses e.g., ready-printer shops where clean, quick, modern technology was used for printing. Ms. Rother suggested that it would be prudent to delete the more industrial type of printing and lithography.

- Ms. Krasnow suggested that the Mayor and Council decide how to deal with the following issues of discussion:

- Minimum Zone Area. The applicant proposed a minimum zone of 25 acres and the Planning Commission proposed a minimum zone of 5 acres. Ms. Krasnow said she felt the City should stick to 25 acres as the use will apply to other areas in the City that were petitioned to be zoned I-5, since it allowed up to a 10-story building.

- Church Uses allowed in the I-5 Zone. Ms. Krasnow said she did not feel strongly either way on the issue. However, she did not understand why churches were currently permitted by right in all zones except the I-5 Zone. Ms. Rother said it was probably a market issue in that the land was more valuable as office uses. The Zoning Ordinance, as currently drafted did allow churches in the I-5 Zone as a permitted use.

- Ms. Krasnow said if the buildings were allowed up to ten feet in height, an extra set-back from residential areas was supposed to be established. She suggested that the set-back be increased. Ms. Rother noted that provision replicated the

County's zoning law; however, the City could make its law more restrictive.

The Mayor and Council asked that the discussion of the issues be referred back to the Planning Commission for recommendation.

Jody Kline, Attorney for Trammell Crow explained that the issue of warehousing and storage also posed a dilemma for him in coming up with language that would suggest an elevated quality of development which still allowed other uses to remain. The staff and the applicant wanted the I-5 Zone be a sophisticated research and development office park, not an industrial warehouse park. He asked the Mayor and Council for the opportunity to leave the phrase or are ancillary in the ordinance, however he would work on refining the language so both instances could be accommodated. Without objection, the Mayor and Council agreed with Mr. Kline's proposal and said they looked forward to seeing how the language was re-worded.

Re: FYI/Correspondence

1. Councilmember Krasnow extended congratulations to the Recreation and Parks Staff on the Redgate Golf Course being chosen for the Sectionals for the U.S. Opening. She also said the City's Fitness Award was very impressive. Mr. Kuckkahn noted that a reception would take place on October 23 to recognize all of the award-winning City departments.

2. Councilmember Weisbroth noted that in the September 28, 1995 F.Y.I. Report, repairs and renovations on the Lincoln Park bridge were taking place. She said it

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was nice to see the residents of a community coming together with one voice and making such a positive change in the community.

3. Mayor Coyle said that on October 23, the last portion of the Old Rockville Mall would be demolished during a special ceremony at 5:30 p.m.

Re: New Business

There being no business, the Mayor moved to next portion of the evening's agenda.

Re: Next Meeting

The Mayor and Council will meet in Public Hearing on October 16 to consider testimony on the following applications: Text Amendment Application TXT95-0148 (Mayor and Council, Applicant); Annexation Petition ANX95-0121 (Brian and Linda Foster, Applicant); and Street Closure Application SCA95-0070 (Teresa Wilcoxon, Applicant)

Re: Adjourn to Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, with Mayor Coyle, Councilmembers Dorsey, Krasnow, Marrinan, and Weisbroth voting "aye", the Mayor and Council adjourned at 9:30 p.m. to reconvene immediately following in Executive Session, pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland, to obtain legal advice from counsel.